

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2022, Legislative Day No. 14

Bill No. 57-22

Mrs. Cathy Bevins, Councilwoman

By the County Council, August 1, 2022

A BILL
ENTITLED

AN ACT concerning

Chesapeake Bay Critical Areas Protection – Water Dependent Facilities - Exemptions

FOR the purpose of exempting certain facilities and restaurants from certain water buffer regulations; providing for certain pre-existing accessory structures to remain or be replaced; permitting such pre-existing accessory structures to be enlarged by a certain percent of their footprint; providing for conflicts of certain Code sections or zoning regulations; and generally relating to Chesapeake Bay Critical Areas Protection.

BY repealing and re-enacting, with amendments

Sections 33-2-403 and 33-2-604(a) and (b)
Article 33 – Environmental Protection and Sustainability
Title 2 – Chesapeake Bay Critical Areas Protection
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

3
4 ARTICLE 33 – ENVIRONMENTAL PROTECTION AND SUSTAINABILITY

5 Title 2 – Chesapeake Bay Critical Areas Protection

6 Subtitle 4 – Buffers

7
8 § 33-2-403. Buffer Management Areas.

9 (a) The Director of Environmental Protection and Sustainability may designate as a
10 modified buffer area an area of the buffer where an existing pattern of residential, commercial,
11 industrial, or institutional development prevents the buffer from fulfilling the water quality and
12 habitat protection functions under COMAR 27.01.09.

13 (b) (1) In designating modified buffer areas, the Director shall adopt regulations
14 governing development and redevelopment in these areas.

15 (2) The regulations may require onsite or offsite mitigation or alternative
16 measures to fulfill water quality and habitat protection functions.

17 (3) IN ADOPTING REGULATIONS GOVERNING DEVELOPMENT AND
18 REDEVELOPMENT IN THESE AREAS, THE DIRECTOR SHALL EXEMPT
19 DEVELOPMENT OR REDEVELOPMENT THAT IS INTENDED TO EXPAND OR
20 ENHANCE A MARINA FACILITY OR A WATERFRONT RESTAURANT THAT
21 OPERATES A FULL SERVICE RESTAURANT ON THE PREMISES AND POSSESSES A
22 VALID ALCOHOLIC BEVERAGE LICENSE ISSUED IN ACCORDANCE WITH THE
23 ALCOHOLIC BEVERAGES ARTICLE OF THE ANNOTATED CODE OF MARYLAND,

1 SUBJECT TO THE FOLLOWING:

2 (I) THE USES AND STRUCTURES AT SUCH A FACILITY SHALL
3 BE PERMITTED UP TO THE EDGE OF THE WATER WITH NO MITIGATION OR
4 BUFFER YARD REQUIREMENTS.

5 (II) APPROPRIATE STORMWATER MANAGEMENT WILL BE
6 REQUIRED FOR ANY LOT COVERAGE CREATED WITHIN THIS AREA.

7 (III) DEVELOPMENT, REDEVELOPMENT, OR RETENTION OF
8 PERVIOUS AREAS SHALL BE PERMITTED WITHOUT MITIGATION.

9 (IV) IN THE EVENT THE PROVISIONS OF THIS PARAGRAPH
10 SHOULD CONFLICT WITH ANY OTHER REGULATION OR LAW, THIS PARAGRAPH
11 SHALL CONTROL.

12
13 Subtitle 6 – Development

14
15 § 33-2-604. Water-Dependent Activity, Facility, or Structure.

16 (a) This section applies to activity and structures that include water-dependent activity or
17 structures associated with industrial, maritime, recreational, educational, or fishery activity.

18 (b) Siting, development, redevelopment, and expansion of water-dependent facilities in
19 the buffer:

20 (1) Shall strictly conform to the criteria under the county water-dependent
21 facilities manual;

22 (2) May be allowed in an intensely developed area or a limited development area
23 if:

1 (i) Adverse effects to water quality, wintering and migrating waterfowl
2 habitat, or fish, plant, and wildlife habitat are minimized;

3 (ii) Accessory structures are located outside the buffer; and

4 (iii) The activity meets a recognized private right or public need; and

5 (3) Are prohibited in a resource conservation area, except that community piers,
6 public beaches, public water-oriented recreation or education areas, public boat launching, public
7 docking facilities, or fishing piers may be allowed if:

8 (i) Adequate sanitary facilities exist;

9 (ii) Service facilities other than pumps, lifts, and other similar facilities
10 are located outside the buffer;

11 (iii) Permeable surfaces are used only if no groundwater degradation
12 would result; and

13 (iv) Disturbance to natural vegetation is minimized.

14 (4) NOTWITHSTANDING PARAGRAPHS (1) THROUGH (3) OF THIS
15 SUBSECTION, ACCESSORY STRUCTURES THAT EXISTED PRIOR TO DECEMBER 1,
16 1985 MAY REMAIN OR BE REPLACED, SUBJECT TO THE FOLLOWING:

17 (I) A STRUCTURE TO WHICH THIS PARAGRAPH APPLIES MAY
18 BE ENLARGED BY NO MORE THAN 25% OF THE ORIGINAL FOOTPRINT.

19 (II) IF THE PROVISIONS OF THIS PARAGRAPH CONFLICT WITH
20 ANY OTHER REGULATION OR LAW, THIS PARAGRAPH SHALL CONTROL.

1 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
2 the affirmative vote of five members of the County Council, shall take effect on September 19,
3 2022.